

Exhibit 144

Exhibit 144

Nicolas Martin
August 30, 2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HERMÈS INTERNATIONAL AND HERMÈS OF PARIS, INC.,

Plaintiff,

Index No.:
22-CV-00384-JSR

-against-

MASON ROTHSCHILD,

Defendant.

- - - - -X

REALTIME DEPOSITION

OF

NICOLAS MARTIN

TAKEN ON: August 30th, 2022

- - - - -X

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August 30, 2022

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N I C O L A S M A R T I N ,
having been first duly sworn by a Notary
Public of the State of New York was examined and
testified herein:

- o o -

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1 N. MARTIN

2 Q. Yes, any others?

3 A. I don't -- I can't remember
4 every one, but I think there were.

5 Q. And does Hermès consider
6 MetaBirkins to be art?

7 A. As I said, I cannot say
8 whether it's art or not. It's very
9 difficult. What I find is that it's --
10 it's the Birkin shape with colors that
11 we have done, or may have done, with
12 the detail that we have used or may
13 have used.

14 Q. Does Hermès consider
15 MetaBirkins to be creative expression?

16 MR. WARSHAVSKY: Objection.

17 THE WITNESS:

18 A. Here it's very difficult,
19 but I don't think so. I don't think
20 so.

21 Q. And why not?

22 A. As I said, it's our Birkin
23 shape in colors that we have made on or
24 we could make in detail that we have
25 used or could use. So if there is a

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2 creation or creativity, it's very,
3 very, very important.

4 Q. Has Hermès actually sold
5 fur-covered Birkins?

6 A. The Birkin is sold for a
7 long time at that time. And we are
8 rather very large of Birkin Bags being
9 manufactured and sold. And from what I
10 know, we have already commercialized
11 Birkin Bags using fur.

12 Q. And as far as you're aware,
13 when did Hermès commercialize Birkin
14 Bags using fur?

15 A. I don't remember the exact
16 date, but I saw pictures of bags,
17 Birkin Bag with fur.

18 Q. And were those pictures
19 produced in discovery in this case?

20 A. I think so.

21 Q. And were those Birkins that
22 you saw entirely covered with fur?

23 A. What do you mean by
24 "entirely"? Meaning all the bag?

25 Q. The entire bag was covered

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2 (Whereupon, Exhibit Z from Hermès' Amended
3 Complaint, Image was marked as Exhibit 3 for
4 identification, as of August 30th, 2022.)

5 Q. Mr. Martin, I'm handing you
6 Exhibit 3, which I'll represent to you
7 is a copy of Exhibit Z from Hermès's
8 Amended Complaint; have you seen this
9 image before?

10 A. Yes, yes.

11 Q. And what is --

12 What does this image show?

13 A. From what I understand, it
14 shows eight of the 100 images that were
15 linked to the collection of MetaBirkins
16 NFT.

17 Q. And do you consider these
18 images to be art?

19 A. As I said before, it's --
20 I'm not an expert. What -- What I see
21 here, for me is an Hermès handbag, a
22 Birkin Handbag, in colors that could be
23 the colors we used, or have used and
24 with material that we also have used.

25 Q. And what do these images

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C E R T I F I C A T E

I, AMBRIA IANAZZI, a Registered Professional Reporter, Certified Realtime Reporter, New York Association Certified Reporter, New York Realtime Certified Reporter, Certified Shorthand Reporter and Notary Public in New York do hereby certify:

That MARTIN NICOLAS whose examination is hereinbefore set forth, was duly sworn, and that such examination is a true record of the testimony given by MARTIN NICOLAS.

I further certify that I am not related to any of the parties to this action by blood or marriage; and that I am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand this 6th day of September, 2022.

Ambria Ianazzi

AMBRIA IANAZZI, RPR, CRR, CSR